

48. (new) The method of claim 44, wherein said lactose containing product is powder lactose.--

#### REMARKS

This is responsive to the Office Action dated September 28, 2000. Claims 1-24 have been canceled. New claims 25-48 have been added. No new subject matter is included. Reconsideration is respectfully requested in view of the amendment and the following remarks.

The presently amended claims are generally directed to a method of reducing lactose intolerance by administering a combination of a product containing lactose, such as milk, and a fermented dairy product containing live cultured bacteria, such as yogurt or cheese, to a patient who suffers from lactose intolerance. Simply put, the invention is a method of using the fermented dairy product to assist digestion of lactose containing products. Further, applicant discovered that following the regimen of the present invention, the patient not only is able to take a lactose containing product with the assistance of a fermented dairy product, but also to build up lactose tolerance *in vivo*, so that in the end of the treatment the fermented dairy product is no longer necessary and the patient can take lactose containing product without the presence of a fermented dairy product.

The present invention, as manifested in the amended claims, is fully described in the specification, particularly, in tables I and II, and has been tested in ten patients. The result of such test is described on page 12 of the specification.

**Rejection under 35 U.S.C. §112, first paragraph**

The Examiner rejects claim 1-24 under 35 U.S.C. §112, first paragraph, on the ground that the original claims are drawn to a method of treating lactose intolerance by administering all live cultured bacteria, which is not supported by the specification. Despite the rejection, the Examiner has acknowledged that the specification is enabling for administering live cultured bacteria associated with yogurt for treatment of lactose intolerance. Applicant has cancelled all the original claims and added new claims. The new claims recite a method of reducing lactose intolerance by administering a lactose containing product together with a fermented dairy product containing live cultured bacteria associated with such fermented dairy product. Thus, applicant believes that the rejection under 35 U.S.C. §112, first paragraph, has been obviated in view of the amendment of the claims.

**Rejection under 35 U.S.C. §112, second paragraph**

The Examiner rejects claims 1-24 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to define certain terms, i.e. the terms "first dosage of a lactose ... product", "first predetermined number of days", "predetermined amount of live...bacteria", "second predetermined number of days", "second dosage of the lactose...product", and "first predetermined point" in claim, in claim 1; the term "said second predetermined point" in claim 5.

As applicant has cancelled claims 1-24 that include all the above terms, such cancellation obviates the rejection under 35 U.S.C. §112, second paragraph.

**Rejection under 35 U.S.C. §103(a)**

The Examiner rejects claims 1-24 under 35 U.S.C. §103(a) as being obvious over *Kim et al.* or *Onwulata et al.*

Since claims 1-24 have been cancelled and new claims added, applicant will discuss the Examiner's rejection only in connection with the new claims.

*Kim et al.* teach a method of reducing lactose intolerance by adding a specific species of live cultured bacteria, *Lactobacillus acidophilus*, as a dietary supplement to milk to aid lactose digestion. However, the results of adding such live cultures to milk have been controversial. See *Onwulata et al.* p. 1233. *Onwulata et al.* describe a comparative study of the efficiency of yogurt, sweet acidophilus milk (milk added with live cultures of *L. acidophilus*), hydrolyzed-lactose milk and a commercial lactose tablet in alleviating lactose maldigestion. In contrast to the teachings of *Kim et al.* and *Onwulata et al.*, applicant developed a combination regimen of a fermented dairy product containing live cultures together with a lactose containing product. This regimen has also been tested and proven to be effective in reducing lactose intolerance in the tested subjects. See spec. p. 12. Neither *Kim et al.* nor *Onwulata et al.* teach or suggest such combination regimen. Absent any teaching or suggestion, a person of ordinary skill in the art, who is confronted with the problem of lactose intolerance and without knowledge of the present invention, would not have been motivated to treat lactose intolerance in the same way as recited in the amended claims by applicant. Thus, the present invention is not obvious to a person of ordinary skill in the art.

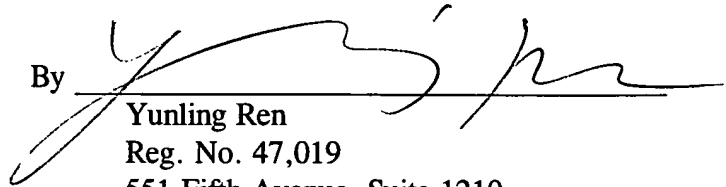
Accordingly, applicant respectfully submits that the rejection under 35 U.S.C. §103(a) has been overcome and should be withdrawn.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read 'Yunling Ren', is written over a horizontal line.

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Dated: December 26, 2000